

Message Text

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ACTION OES-07

INFO OCT-01 ARA-10 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09
DODE-00 DOTE-00 EB-08 EPA-01 SOE-02 DOE-11 FMC-01
TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OMB-01 PA-01 PM-05 PRS-01
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TO SECSTATE WASHDC PRIORITY 0936

C O N F I D E N T I A L HAVANA 0101

E.O. 11652: GDS
TAGS: EFIS, CU
SUBJECT: CUBANS CALL FOR NEGOTIATIONS WITH US ON US FISHERY
REGULATIONS

REF: (A) HAVANA 0066, (B) HAVANA 0865, (C) STATE 286064

1. SUMMARY: GOC OFFICIALLY TAKES EXCEPTION TO US 1978 FISHERY REGULATIONS, PARTICULARLY AS REGARDS BYCATCH, AND CALLS FOR NEGOTIATIONS WITH US FOR RECONSIDERATION OF CUBAN BYCATCH QUOTAS. USINT BELIEVES THAT WE SHOULD ACCEPT CUBAN CALL FOR TALKS AND SERIOUSLY RECONSIDER ACCOMMODATION ALONG LINES SUGGESTED IN REF B. GIVEN PROBABLE LIMITATIONS ON FORWARD MOVEMENT IN OTHER AREAS, CUBAN DISAPPOINTMENT ON FISHERIES MAY HAVE UNINTENDED AND ESPECIALLY CORROSIVE EFFECT ON US-CUBAN RELATIONSHIP. END SUMMARY

2. USINT, JANUARY 11, RECEIVED TERSE BUT CORRECT MINREX NOTE 42 DATED JANUARY 6 WHICH CRITICIZES 1978 FISHERIES ALLOCATION FOR CUBA (REF C) AND PARTICULARLY US 1978 FISHERY REGULATION (PARA 611.50) WHICH ESTABLISHES THAT ONCE CATCH CEILING IS REACHED IN ANY ONE SPECIES (INCLUDING INCIDENTAL BYCATCH), ALL
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FURTHER FISHING MUST STOP. CUBANS CLAIM THAT CUBAN-ASSIGNED QUOTA AND US REGULATIONS MAKE IT "IMPOSSIBLE" TO ACHIEVE MINIMALLY ACCEPTABLE FISHERY RETURN. (COMMENT: THIS ECHOES STATEMENT BY MINISTER OF FISHING INDUSTRY VELAZ TO CODEL REUSS, DECEMBER 29.) CUBANS CALL FOR NEGOTIATIONS WITH US LEADING TO ADJUSTMENT OF US POSITION, PARTICULARLY ON ACCEPTABLE BYCATCH LEVELS. INFORMAL TRANSLATION OF OPERATIVE

PORTION OF NOTE FOLLOWS:

3. BEGIN TEXT (WITH REGARD TO US 1978 NORTH AND MIDDLE ATLANTIC FISHERY ALLOCATIONS TO CUBA AND BASED ON THE APRIL 27, 1977 US-CUBAN FISHERY AGREEMENT), THE CUBAN AUTHORITIES HAVE THE FOLLOWING CONSIDERATIONS WITH RESPECT TO THESE ALLOCATIONS:

A. THE STRUCTURE OF THE ALLOCATIONS DETERMINES THAT THE ONLY DIRECTED FISHERY POSSIBLE FOR THE CUBAN FISHING FLEET WOULD BE FOR SILVER HAKE, SINCE RED HAKE AND "OTHER FINFISH" CAN ONLY CONSTITUTE AN INCIDENTAL CATCH, ALONG WITH THE FORMER, AND THE VOLUME OF THIS CATCH (OF RED HAKE AND OTHER FINFISH) WOULD NECESSARILY BE OF AN ORDER CONSIDERABLY BELOW THE ASSIGNED FIGURES.

B. THE QUANTITIES ASSIGNED (TO CUBA BY USG) OF MACKEREL AND SQUID, WHICH ARE THE SPECIES WHICH OUR FLEET PRIMARILY OBTAINS AS A BYCATCH IN A FISHERY DIRECTED AT SILVER HAKE, WILL NOT PERMIT IN ANY WAY REACHING OR EVEN APPROXIMATING THE FILLING OF THE ASSIGNED SILVER HAKE QUOTA, AND WILL, IN ACCORDANCE WITH THE ESTABLISHED REGULATIONS, PROVOKE AN EARLY TERMINATION OF THIS ONLY DIRECTED FISHERY.

C. CONSIDERING THE AREAS AND TIMES AUTHORIZED FOR FISHING, OUR FLEET COULD ONLY EFFECTIVELY DEDICATE ITSELF TO FISHING FOR SILVER HAKE IN AREA 2 DURING APRIL, MAY, AND JUNE, AS WE HAVE NEVER ENCOUNTERED ADEQUATE CONCENTRATIONS (OF
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SILVER HAKE) IN OTHER MONTHS AND AREAS. EVEN IN THE AREA MENTIONED (AREA 2), OUR FLEET WILL BE SUBJECT TO AN ADDITIONAL LIMITATION -- AREAS RESERVED FOR FIXED NETS (ARTES).

D. FOR THE ABOVE REASONS, DESPITE THE FACT THAT THE QUOTA FOR OUR COUNTRY IS ON THE ORDER OF 9715 TONS, IN REALITY ONLY 5000 TO 6000 TONS CAN BE CAUGHT UNDER THE BEST OF CIRCUMSTANCES.

BY VIRTURE OF THE ABOVE-STATED FACTS, THE CUBAN AUTHORITIES HAVE REACHED THE CONCLUSION THAT WITH THE QUOTAS AUTHORIZED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR 1978, IT IS IMPOSSIBLE TO OPERATE (IN ANY WAY) THAT WILL ASSURE AN ACCEPTABLE LEVEL OF CATCH, WITH A MINIMUM EFFICIENCY, AND, THEREFORE, IT CONSIDERS, AS A POSSIBLE SOLUTION FOR THIS SITUATION AND WITH THE PURPOSE OF MAINTAINING THE SPIRIT OF THE (US-CUBAN FISHERY) AGREEMENT, THAT THROUGH NEGOTIATIONS TO THIS EFFECT A RECONSIDERATION CAN BE MADE BY THE AMERICAN AUTHORITIES OF THE PROBLEMS SET OUT ABOVE, PARTICULARLY WITH REGARD TO QUOTA LEVELS FOR ACCOMPANYING SPECIES (INCIDENTIAL BYCATCH). END TEXT.

4. BEGIN COMMENT: USINT BELIEVES THAT DEPARTMENT SHOULD ACCEPT CUBAN SUGGESTION FOR TALKS. WE DO NO BELIEVE, HOWEVER, THAT DISCUSSION OF TECHNICAL MODALITIES TO AVOID EXCESSIVE BYCATCH (AS SUGGESTED IN STATE 309554) WILL BE SUFFICIENT TO MEET CUBAN CONCERNS. DEPARTMENT, WE BELIEVE, SHOULD RECONSIDER REF B SUGGESTIONS THAT WOULD LOOK TOWARD FLEXIBLE INTERPRETATION, THOUGH NOT ALTERATION, OF 1978 BYCATCH FISHING RULES FOR CUBANS. WE ARE AWARE THAT SUCH INDIRECT EXPANSION OF PERMITTED BYCATCH WOULD AFFECT SPECIES CONSERVATION. IT IS IMPORTANT HOWEVVER, TO CONSIDER HOW MUCH, AND TO BALANCE CONSERVATION IMPACT OF A FINITE, MARGINAL SPECIES REDUCTION AGAINST POLITICAL DAMAGE FLOWING FROM AN UNBENDING POSITION ON OUR PART.

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5. DUE TO AFRICAN AND OTHER CONTENTIOUS ISSUES, IT IS UNLIKELY THAT THERE WILL BE MAJOR MOVES TOWARD OPENING OF CUBAN TRADE WITH US IN NEAR FUTURE. THUS, THE PRINCIPAL US BAIT ENCOURAGING ANY CUBAN POLICY ACCOMMODATIONS WITH US WILL PROBABLY BE UNAVAILABLE AT A TIME WHEN DIFFERENCES OF VIEW BETWEEN THE US AND CUBA ON OTHER MATTERS WILL PROBABLY CONTINUE TO BE AIRED. AS EVIDENCED BY RISING CRESCENDO OF US AND CUBAN PUBLIC CRITICISM IN NOVEMBER AND DECEMBER (CULMINATED BY CASTRO'S HARSH DECEMBER 24 PODER POPULAR SPEECH--HAVANA 945), THESE DISAGREEMENTS CAN HAVE CORROSIVE EFFECT ON POSITIVE ELEMENTS OF RELATIONSHIPS--AND TEND TO LEAD TO REAFFIRMATION OF INFLEXIBLE CUBAN POSITIONS (E.G. NO MORE RELEASE OF POLITICAL PRISONERS) AND RESURFACING OF PREVIOUSLY DORMANT ISSUES (E.G., GUANTANAMO). WHAT MAY BE REQUIRED IN THIS SITUATION, IN ORDER AT LEAST TO LIMIT DAMAGE, IS TO KEEP ALIVE AMONG CUBAN LEADERSHIP SENSE THAT THERE ARE POSITIVE BENEFITS FOR CUBA IN NORMALIZATION OF RELATIONS WITH US. UNBENDING US STANCE ON FISHERIES, WHICH CUBANS VIEW AS MAJOR GROWTH INDUSTRY, WORKS AGAINST THIS OBJECTIVE. END COMMENT.

6. ACTION REQUESTED: USINT URGES THAT DEPARTMENT REEXAMINE ACTUAL CONSERVATION COSTS OF SPECIAL PROCEDURAL CONCESSION TO CUBANS ALONG LINES OF REF B AND THEN WEIGH THESE AGAINST POSSIBLE POLITICAL BENEFITS OF SUCH A GESTURE TOWARD HAVANA. DUE TO MID-FEBRUARY ICNAF MEETING IN HAVANA, CUBAN DELEGATION WILL PROBABLY NOT BE ABLE TO COME TO WASHINGTON BEFORE THIRD WEEK IN FEBRUARY. REQUEST AUTHORIZATION TO INVITE GOC DELEGATION TO WASHINGTON FOR TALKS IN LATE FEBRUARY OR MARCH.
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